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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,638	09/09/2004	Taiichi Okada	TIP-04-1178	2464
35811 7590 04/19/2007 IP GROUP OF DLA PIPER US LLP ONE LIBERTY PLACE 1650 MARKET ST, SUITE 4900 PHILADELPHIA, PA 19103			EXAMINER BEFUMO, JENNA LEIGH	
			ART UNIT 1771	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/501,638

Applicant(s)

OKADA, TAIICHI

Examiner

Jenna-Leigh Befumo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The response submitted on February 5, 2007, has been entered. Claims 3 and 6 – 10 have been cancelled. No claims have been amended. Therefore, the pending claims are 1, 2, 4, 5, and 11.
2. The declarations under 37 CFR 1.132 filed February 5, 2007 are insufficient to overcome the rejection of claims 1, 2, 4, 5, and 11 based upon JP 07-252740 in view of Veiga or JP 07-252740 in view of Li et al. as set forth in the last Office action because:
3. With regards to the declaration filed by Tatsuro Mizuki, Mr. Mizuki, who is an inventor of JP 07-252740 states that he did not appreciate the improved properties of the coated woven fabric, nor did Mr. Mizuki think the number of entanglements was critical to the invention which is why the patent does not disclose specific amounts of entanglements. However, the patent when used as prior art is taken for what it discloses as a whole. In this case, the patent explicitly suggests that the fabric can be coated to produce a coated airbag. Also, the patent does not specifically teach using yarns with a high number of entanglements. Instead JP 07-252740 discloses the importance of using flattened filaments in filament yarns to produce improved air permeability properties when the filaments are lying flat. The applicants own interpretation of the prior art patent does not limit how others with ordinary skill in the art would interpret the patent. Thus, the declaration does not overcome the prior art rejection.
4. The declaration filed by Taiichi Okada is not sufficient to overcome the present rejections since Mr. Okada declaration is drawn to showing that high entangled yarns need a certain amount of tensioning in the weaving process to become low entanglement yarns. However, the prior art is not limited to high entanglement yarns. One of ordinary skill in the art can make woven fabrics from yarns with lower number of entanglement than those in the declaration and produce the claimed final number of entanglements. Further, the arguments with regards to tensioning and processing are not commensurate in scope with the claimed product since the amount of tension and method of producing the yarns is not

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claimed. Therefore, the declaration is not commensurate in scope with the claims or the prior art. Further, the declaration does not address if other methods can be made to produce lower entanglement yarns.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 2, 4, and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over JP 07-252740 A (English Translation) in view of Veiga (5,989,660) for the reasons of record.

7. Claims 1, 2, 4, 5, and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over JP 07-252740 A in view of Li et al. (5,897,929) for the reasons of record.

Response to Arguments

8. Applicant's arguments filed February 5, 2007 have been fully considered but they are not persuasive. The applicant argues that the prior art fails to teach the claimed number of entanglements because the prior art fails to teach or suggest the claimed process and the affirmative removal of the entanglements from the yarns prior to weaving (response, page 1 – 2). Further, the applicant's argue that the prior art is non-enabling with respect to the claimed number of entanglements because it doesn't teach how to remove entanglements and the declaration discloses that the fabric is made with high entangled yarns (response, pages 3 – 4). And therefore, the rejections over JP 07-252740 A in view of Veiga and in view of Li et al. should be withdrawn.

First, it is noted that the applicant argues that the *claimed process* features are not taught by the prior art. However, upon reviewing the claims, there are no specific process steps recited in the claims. Particularly, there is no step which requires that the yarns have entanglements removed or that a particular tension be used to in the weaving process to remove entanglements. Thus, these arguments are not commensurate in scope with the claimed product.

Further, the fact that the applicant produced the yarns by removing the entanglements in the weaving process does not mean that this is the only method by which low entanglement yarns can be produced. The fabric could be made with yarns with lower entanglements. Further, all yarns are inherently tensioned to some degree during the weaving process to produce a finished woven fabric. Thus, the yarns in the final product would inherently go through some tensioning which would remove some entanglements. It would be within the level of ordinary skill in the art to choose processing parameters such as entanglements and tensioning of the yarns to control the properties and final structure of the product. The applicant has provided no evidence that lower entanglements yarns could be used to make the woven fabric. And since yarns inherently undergo tensioning until the woven fabric is finished that the final entanglement level would not be within the claimed range. The claimed product can be made by any method which would produce lower number of entanglements in the finished product and is not required to start out with such high entanglements or use the same tension levels that the applicant uses.

As set forth in the rejection, the level of entanglements is not limited by the prior art. While the applicant disclosed in the declaration that the fabric's produced by the examples have high entanglements level, the disclosure itself, does not specifically direct those of ordinary skill in the art to only use high entanglement yarns. Hence, one of ordinary skill in the art can choose based on the desired end products the level of entanglements in the starting yarns which would influence the level of entanglements in the final fabric. Thus, one of ordinary skill in the art would be motivated to optimize the entanglements, thereby optimizing the properties in the fabric, particular the orientation of the elliptical shaped fibers which would control the permeability, flexibility and smoothness of the fabric. Therefore, the rejection is maintained.

The ability to control the number of entanglements or choose the number of entanglements in yarns used to produce a fabric is within the level of skill of the art. Further, it is known in the art how

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processing yarns and tensioning yarns would effect the number of entanglements in the yarn. This information is required to produce finished products with the desired properties. Therefore, the prior art is enabled with regard to choosing fabrics with various number of entanglements because those with ordinary skill in the art would know how to process fabrics with a wide range of entanglements. Thus, the rejection is maintained.

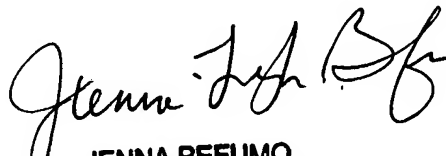
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jlb
April 16, 2007


JENNA BEFUMO
PRIMARY EXAMINER